

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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SCIENTIA ENERGY, INC.,

Civil No. 11-0554 (JRT/LIB)

Plaintiff,

v.

**ORDER ADOPTING REPORT  
AND RECOMMENDATION**

VINCO, INC.,

Defendant.

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Stephen Rufer, **PEMBERTON SORLIE RUFER & KERSHNER**, Post Office Box 866, Fergus Falls, MN 56538, for plaintiff.

Curtis Smith, **MOSS & BARNETT, PA**, 90 South Seventh Street, Suite 4800, Minneapolis, MN 55402, for defendant

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Leo I. Brisbois, dated July 5, 2011 [Docket No. 21]. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein, **IT IS HEREBY ORDERED** that Defendant's Motion to Dismiss [Docket No. 6] be **GRANTED IN PART**.

Dated: July 26, 2011  
at Minneapolis, Minnesota

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s/ John R. Tunheim  
**JOHN R. TUNHEIM**  
United States District Judge